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OFFICE OF PETITIONS

In re Application of
Vincent Bryan et al.
Application No. 09/776,394
Filed: February 2, 2001
Attorney Docket No. P904.03/31132.59

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.183, filed July 16, 2007, which is being treated as a request under 37 CFR 1.183 to suspend 37 CFR 1.172 and 1.67 where they require execution of a supplemental reissue declaration by all of the inventors.¹

The petition is GRANTED.

The original patent named Bryan and Kunzler as joint inventors.

The reissue application papers were executed by a joint reissue declaration that was signed by both inventors and filed February 2, 2001. In view of the execution of the original reissue declaration by both joint inventors, the extended prosecution to date, and the showing that diligent efforts were made to obtain the signature of Bryan, under the extraordinary circumstances of this reissue application, justice would be served by suspending the regulations to the extent they require the execution of supplemental reissue declarations by joint inventor Bryan.

This matter is being referred to Technology Center AU 3738.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ A reissue declaration must satisfy 37 CFR 1.175, and 37 CFR 1.63 (37 CFR 1.175(a); MPEP 1414), and be signed by the inventors. 37 CFR 1.172. When an inventor who executed an original declaration under 37 CFR 1.63 (as in the parent reissue application) refuses to execute a required supplemental declaration (as in the instant reissue application), the requirement may be waived under 37 CFR 1.183. See MPEP 603.01.